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The Director

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25 May 77

Washington, D.C. 20505

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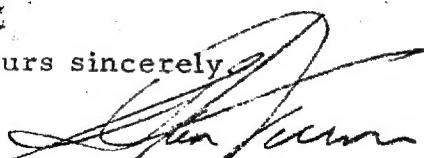
Honorable William D. Hathaway, Chairman
Subcommittee on Budget Authorization
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During my discussion with you and Senator Inouye on the question of whether an authorization, appropriation, or expenditure figure for intelligence activities should be released, if the Senate votes for public disclosure, you asked if article I, section 9, clause 7 of the Constitution would require the release of the figure for expenditures.

CIA's General Counsel and the Department of Justice have concluded that the Constitution does not require intelligence budget figures to be separately identified when overall Government expenditures are reported. The question of which figure to release then becomes strictly a policy question. If a figure is to be released, as you know, it is my recommendation that it be the amount appropriated for intelligence activities. I believe this figure would be the most informative to the American people, and would pose the least threat of additional, potentially damaging disclosures.

Yours sincerely,



STANSFIELD TURNER

EX-38-165-160001
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

After your discussion with Senators Hathaway and Inouye on the open budget, you referred to the General Counsel, Senator Hathaway's question of whether it is permissible constitutionally to release an appropriation figure rather than an expenditure figure. The General Counsel has concluded that there is no constitutional requirement for release of any of the figures and, therefore, the question of which figure should be released is strictly a policy question. Attached are the memorandum from the General Counsel to you on this subject and a letter for your signature informing Senator Hathaway of this conclusion.

We have been in touch with Mike Epstein, Senator Hathaway's designee on the SSCI, and he feels Senator Hathaway no longer needs a response from you on this because the Committee has obtained a Justice Department opinion on the subject. However, you may want to send the attached letter just to be on the record with Senator Hathaway.

This has been coordinated with
OGC.

George L. Cary

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